

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE: : CASE NO. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC, : (Judge Basil H. Lorch III)
Debtor. :
: **JOINT EVIDENTIARY**
: **SUBMISSION OF CERTAIN**
: **CREDITORS IN SUPPORT OF**
: **MOTIONS TO REMOVE TRUSTEE**
: **AND RENEWAL OF OBJECTION**
: **TO APPLICATION TO EMPLOY**
: **TRUSTEE COUNSEL**

The First Bank and Trust Company, Bluegrass Stockyards East, LLC, Bluegrass Stockyards, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards of Campbellsville, LLC, East Tennessee Livestock Center, Inc., Southeast Livestock Exchange, LLC, Moseley Cattle Auction, Inc., Piedmont Livestock Company, Inc., Alton Darnell, and Superior Livestock Auction, Inc. make the following joint evidentiary submission in support of the motions to remove Trustee and the renewal of the objection to application to employ Trustee's counsel:

1. The issues relating to the Trustee's and primary counsel's active representation of both joint participant secured lenders, Fifth Third Bank ("Fifth Third") and Wells Fargo Bank ("Wells Fargo") are uncontroverted. Both the Trustee, and his Primary Counsel Baker & Daniels, LLP (n/k/a Faegre Baker Daniels, LLP after the merger with the Faegre & Benson firm) have actively represented Wells Fargo Bank while the affidavits of disinterestedness are devoid of any mention of Wells Fargo as even a party in interest. Rather,

the threshold issue is whether and to what extent the disclosure of counsel's relationship with, and connection to, Wells Fargo should have been made in the various affidavits of disinterestedness presented by James A. Knauer, Kroger, Gardis & Regas, LLP, Baker & Daniels LLP, and the new Faegre Baker Daniels LLP firm. Accordingly, a factual issue may arise as to whether, and to what extent, representatives of Wells Fargo were actively engaged in consulting with the Trustee on issues that controlled the administration of this Chapter 11 bankruptcy.

2. Attached as Exhibit 1 to this evidentiary submission is a demonstrative timeline chart that shows the integral involvement of Wells Fargo in conferences with Fifth Third (referred to by Wells Fargo as "the bank group"), and subsequently with the Trustee himself and Baker & Daniels, relating to direction of the Chapter 11 proceedings. The timeline does not include each of the many strategy and update meetings held privately among "the bank group," the Trustee, and Baker & Daniels. Rather, the timeline highlights the important meetings—including emails and handwritten notes of Wells Fargo representatives summarizing the discussions—that explain what has been perceived by the other creditors for many months as being a lack of disinterestedness and the administration of the estate for the benefit of the joint secured creditors, "the bank group."

3. Attached as Exhibit 2 to this evidentiary submission is a comprehensive list of the events identified in the timeline with corresponding references to the case docket (of which the court may take judicial notice) and the exhibits from the Wells Fargo document production.

4. Exhibits 3(A) through (I) are the individual documents including email transmissions and notes of meetings produced by Wells Fargo.

Respectfully submitted,

/s/ Daniel J. Donnellon

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CERTIFICATE OF SERVICE

I certify that on the 18th day of July, 2012, I electronically filed the foregoing Joint Evidentiary Submission of Search in Creditors in Support of Motions to Remove Trustee and Renewal of Objection to Application to Employ Trustee Counsel with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants:

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